

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

DR. JOHN ROE, PH.D.

Plaintiff,

VS.

UNITED STATES OF AMERICA, et. al.,

Defendant(s)

Case No.: 5:22-CV-00869-JKP-HJB

(PROPOSED) ORDER ON PLAINTIFF'S MOTION TO COMPEL ACCESS TO THE
CLASSIFIED INFORMATION IN PLAINTIFF'S MIND
(HEARING REQUESTED)

The Court, being fully apprised of the facts and issues contained within Plaintiff's Motion to Compel Access to the Classified Information in Plaintiff's Mind, hereby GRANTS the Motion and ORDERS the following:

- 1) That the Government be directed to properly answer Plaintiff and counsels' application for access to the relevant classified material.
- 2) That the Government be ordered to produce discovery related to the denial of classified access related to the Government counsel's summary denial email so that the Court may possess a proper record for review.
- 3) That Plaintiff and counsel's eligibility for classified access be fully investigated and established (with requisite renewals or upgrades of that eligibility executed as necessary);
- 4) That once eligibility is favorably determined, Plaintiff and counsel be granted access to the relevant classified programs and properly "read on" to all necessary "tickets" (code word programs) relevant to Plaintiff's case;
- 5) That once access has been properly granted, Plaintiff and counsel be given reasonable access to a Secured Compartmentalized Information Facility (SCIF) reasonably near

Plaintiff's residence to discuss relevant and necessary classified fact and draft classified supplements or responses (Motion to Adopt CIPA-like procedures forthcoming).

- 6) That this access be continued throughout the pendency of the litigation.

DISTRICT COURT JUDGE / MAGISTRATE